

Lessons Learned ¹

Please consider this as material for a case study. The Town of Brattleboro moved from a longstanding arrangement with an EMS provider, Rescue Inc. which serviced 15 communities surrounding and including the Town to a stand alone municipal Fire /EMS service. ^{2 3}

What might be some takeaways?

This is all about the money; this is about “pride and . . . control” ⁴

This recent “contract dispute” was not the first time that the Town and Rescue came into conflict in their almost 60 year relationship. An incident involving who arrived first on the scene in 1968 can be cited. ⁵

In 1983, Brattleboro Fire Chief Howard Mattison recommended signing a long-term contract with Rescue. At that time, he was quoted as saying, "Everybody gets all heated up and mad at everybody and I think it's about time we stop it." In that year an ad hoc committee was also set up to study needs and costs. A point made by the Town Manager at that time is that the Town's removal of support from the regional service provider might cause neighboring communities to look to the town itself to provide services thereby increasing costs and “quite a lot of head butting in the process.” ⁶

In 2012, the Brattleboro SelectBoard objected to a proposal by Rescue Inc to change the configuration of its Board of Trustees and wanted to maintain Town representatives on the governing board of Rescue Inc, presumably to have a say in regional operations. ⁷

Brattleboro Fire had an interest in training staff as EMTs and paramedics and questions arose as to the impact of those possible changes going forward. In 2021, a former Town Manager, Peter Elwell, recognized that those changes would come with complications and anticipated that protocols be in place so as not to harm a system of coordination which was working. ⁸ Those complications, it might be said, included deciding who was in control at the scene, especially if

¹ This copy is edited, but only to amend links to Town of Brattleboro references, due to the change of URL from brattleboro.org to brattleboro.gov

² [Vt. town to cut ties with EMS provider, establish service via FD](#), *The Keene Sentinel*, April 13, 2022

³ [Vermont's Emergency Medical Services System Is Struggling to Survive. Can It Be Saved?](#), *Seven Days*, March 8, 2023

⁴ "One obstacle to consolidation of services seems to be pride and a worry of losing control." Northshire Rescue Squad - 9/26/2023 at 6:30pm - [Meeting Minutes](#)

⁵ [Rescue Controversy Apparently Ended](#), *Brattleboro Reformer*, July 9, 1968

⁶ [Ad Hoc Panel Set Up to Study, Town's Needs, Cost for Rescue Service](#), *Brattleboro Reformer*, March 21, 1983

⁷ [Selectboard opposes changes to Rescue Inc](#), *Brattleboro Reformer*, November 9, 2012

⁸ [Rescue Inc - 2021 Town Consortium Meeting](#), *BCTV recording*, September 16, 2021, see beginning at 58.01

the first to arrive had less medical certification and experience and how transition of care was to be arranged.

In January, 2022, a new Town Manager, Yoshi Manale, was appointed and in February he met with Rescue Inc who are told their rate is unacceptable.⁹ This discussion and others that were part of “contract negotiations” held in executive session and not subject to disclosure did not come to even partial light until later or at all.¹⁰

A Representative Town Meeting held March 19, 2022 approved a budget which included \$285,600 for Ambulance Service; the Annual Report contained a description of Rescue Inc. Under the arrangement at that time, Rescue Inc paid back to the Town \$48,020 for dispatch fees. The budget also contained \$25,000 for a Fire Department strategic plan.¹¹

The Town made the decision to go with a stand alone municipal service and use another contractor during the transition in April 2022. One of the selling points was the estimate by the Town Manager that the “Town will see a \$500,000 to \$700,000 net gain in revenue.”¹²

On June 6, 2022, representatives of the Town and Rescue Inc met face to face. The transactional part of this meeting involved the Town wanting “uncompensated mutual aid” from Rescue Inc. The meeting was characterized by Rescue as “a very frank conversation about the damaged nature of the relationship between the Town and Rescue.”^{13 14}

In June 2022, a complaint was lodged with the Town that the decision to go to a municipal service was made behind closed doors and in violation of the State’s Open Meeting Law. The Town acknowledged the technical violation and cured it, in accordance with the statute, by ratifying the decision which had been made.¹⁵

Depoliticization is paramount ... and likely impossible

At a March 2023 Representative Town Meeting a resolution was passed that called upon the Selectboard “to set up a process to determine the future of EMS that is transparent and takes

⁹ [Your Handy Brattleboro Fire – EMS – Rescue Timeline 2021-2022](#), *iBrattleboro.com*, June 2, 2022

¹⁰ Cf: [1 V.S.A. §313 \(a\)\(1\)\(A\)](#)

¹¹ [2021-2022 Annual Report, Town of Brattleboro, Vermont](#), pp. 62, 109, 102, 50, 111

¹² Noting the differing positions of the Town and the EMS provider the falling out between the parties might be charitably characterized as a contract dispute that was only disclosed months afterwards. [Brattleboro and its EMS provider on course to part ways due to contract dispute](#), *VT Digger*, April 12, 2022. Also see: [Your Handy Brattleboro Fire – EMS – Rescue Timeline 2021-2022](#), *iBrattleboro.com* June 2, 2022

¹³ [Brattleboro Meets With Rescue, Asks for Uncompensated Mutual Aid](#), *iBrattleboro.com*, June 7, 2022

¹⁴ [Video of Rescue Inc meeting with Town of Brattleboro](#), June 6, 2022

¹⁵ For details of the technical violation, see the [June 15, 2022 letter from the VT Office of the Attorney General](#).

into account the opinions of residents.”¹⁶

By June 2023, Town Administration was quoted about the move to a municipal model: “There isn't anyone in the town of Brattleboro who sees this as a cash cow . . . EMS services are expensive. There will be some revenue, but it's not a cash cow.”¹⁷

The Town published EMS Requests for Information (RFI) on June 1, 2023; Requests for Proposals (RFP) on July 27, 2023 and followed up with an Addendum on August 22, 2023 for the responses due August 29, 2023. The Addendum clarified that a newly required performance bond would be “in an amount equal to the contract sum.” Another addition included an increase in dispatch fee to “\$36.37 per call in the first year of the contract with a 3% increase per year for the remaining four years” .¹⁸

In order to take into account those additions, Rescue Inc increased its original cost proposal of \$298,508, calculated as \$24.50 per person based on the population of Brattleboro (12,184), to \$454,422.¹⁹

The Town estimated that a municipal model would generate between \$837,127 to \$942,160 in gross revenue in FY25 and increase by 3% per year, so that, by FY29 the municipal model would cost between \$1,322,906 or \$783,673 [not including start up costs] having a more favorable impact on the General Fund than the \$2,510,968 outlay for Rescue Inc over those five years.²⁰

To account for start up costs for the municipal EMS model,

. . . the Selectboard chose to set a significant portion of the [American Rescue Plan Act] ARPA funding aside for EMS startup. That funding, \$1.75M, remains untouched and ready for that purpose. The ability to establish a new program of the scale of EMS without taking on debt is a wonderful opportunity, and a one-time expense is a great use of one-time financial resources, but the downside is opportunity cost for other projects. The Town has many needs and the flexible funding used here would be unavailable elsewhere.²¹

Without the availability of ARPA funds it is unlikely the Town would have been able to pursue a municipal EMS model. Whether this use of ARPA funds truly followed best practice or whether it reinvented the wheel and failed to collaborate with existing organizations was not fully

¹⁶ [Brattleboro approves \\$20.5M budget for FY24](#), *The Commons*, March 29, 2023

¹⁷ [Selectboard warned municipal EMS 'no cash cow'](#), *The Commons*, June 28, 2023

¹⁸ [RFI and RFP Process](#), Brattleboro Town website.

¹⁹ [Rescue Inc Cost Proposal](#), Brattleboro Town website

²⁰ [Backup Material for September 19, 2023 Selectboard Meeting](#), Brattleboro Town website, p. 70

²¹ [Backup Material for September 5, 2023 Selectboard Meeting](#), Brattleboro Town website, p. 75

discussed.^{22 23}

In addition to projected cost, the Town's analysis also cited transition of care as a factor in its decision.

The proposal from Rescue would have the greatest opportunity for problems with the transition of care. In addition to the transition at the hospital, there would frequently be the potential for a transition from a Brattleboro Fire Department provider to a Rescue provider which has been a source of conflict in the past.²⁴

On September 12, 2023, a Public Forum was held, where Town department heads gave their unanimous scripted support of the Town's position.²⁵ At that Forum, one of the advocates who spoke in favor of municipal Fire/EMS was the Statewide President of the Professional Fire Fighters of Vermont²⁶

When the Selectboard voted unanimously, again, on September 19, 2023, in essence, to ratify its April 2022 decision, one Board member, acknowledging a petition signed by more than 400 residents opposed to the Board's position, was quoted as saying; "My strong impression, despite my vote tonight, is that . . . I'm swimming against that current," The video recording of that meeting contains several impassioned speeches by members of the public.²⁷

Both reduced cost and greater control were cited as reasons to move to a municipal model. Reduced cost can only be estimated while control and pride may get confused.

Transparency -- is it real or illusory?

In June 2022, a complaint was lodged with the Town that the decision to go to a municipal service was made behind closed doors and in violation of the State's Open Meeting Law. The Town acknowledged the technical violation and cured it, in accordance with the statute, by ratifying the decision which had been made.

An excerpt from a September 15, 2023 memorandum in the backup material [p. 71] for the September 19, 2023 Brattleboro SelectBoard meeting noted:²⁸

"It is hard not to notice the sense of anger and frustration over the events of last April. The abrupt course correction and the lack of notice that such a change was even being

²² [American Rescue Plan Act](#), Vermont League of Cities and Towns

²³ [Brattleboro Selectboard Meeting](#), August 15, 2023, *BCTV recording*, at 2:32:44 et seq.

²⁴ [Backup Material for September 5, 2023 Selectboard Meeting](#), Brattleboro Town website, p. 77

²⁵ [Public Forum on Fire-EMS Alternatives](#), *BCTV recording*, September 12, 2023

²⁶ [Christopher Dube, Professional Fire Fighters of Vermont](#)

²⁷ [Brattleboro Selectboard Meeting](#), *BCTV recording*, September 19, 2023

²⁸ The memorandum is in the [Backup Material](#) beginning at p. 65; the quote is on p. 71.

contemplated damaged Town credibility with the public. Reaction to these events jumps off the page in much of the public correspondence. [1]"

[1] While staff understands that the Selectboard members have been reviewing feedback from the public as it has been getting posted to the project website, <https://brattleboro.org/emsfeedback> - <https://brattleboro.gov/emsfeedback> this information has been fully updated as of the date of this memorandum.

It might be noted that the vast majority of the emails posted to the website were in support of Rescue.

While the admission regarding the April 2022 decision by a former administration may have been an honest one, was the subsequent RFI and RFP process, with last minute revisions, solicitations sent to 80 or more vendors but resulting in only two bids, merely a smokescreen for a predetermined outcome? Were all sides of the issues fairly considered?

As an example, one might note that a report commissioned by the Town and conducted by AP Triton noted:

... EMS and ambulance billing are some of the most straightforward healthcare billing processes in America's healthcare system. Due to the perceived complexities, municipalities often avoid the medical billing process by deferring the task to private sector businesses.²⁹

Yet that report did not even mention the forthcoming cost data reporting requirements of the Centers for Medicare & Medicaid Services (CMS).³⁰

The way Medicare Advantage programs may handle ambulance billing is also a concern looming on the horizon. No mention of Medicare Advantage was included in the AP Triton study. Independent information was provided to the Town.³¹ The following response was received:

While unfortunately none of us has a crystal ball, we will do our best to factor this sort of uncertainty into the analysis and look forward to your independent assessment of that work.³²

Another item which may highlight whether the political will to take over ambulance services outweighed the preparedness to do so is perhaps found in a report of an investigation conducted by the VT Department of Health in March 2023.

²⁹ [Emergency Medical Services Feasibility Study Operations Analysis](#), AP Triton, [p. 78] p. 83

³⁰ [Medicare Ground Ambulance Data Collection System](#), cms.gov

³¹ [Ambulance Services - Medicare Advantage Coverage Summary](#), February 18, 2023

³² [Email dated February 21, 2023](#)

the Brattleboro Fire Department's policy for documenting patient refusals needs revision to ensure that every EMS incident, whether it results in a cancellation, an uncooperative patient or a transport, must be documented in SIREN, and all patient refusals require a Supplemental Report for Patient Non-Transport signed by the patient.³³

In terms of "transparency," it might be argued that even the fact that there was an investigation into department policy was not disclosed by the Town, despite monthly EMS update reports.

Transactional or Relational

Arrangements with EMS providers are contracts and as such can be looked at as purely transactional. But providers deal with patients, who are citizens of the Town and oftentimes relationships between agencies that work in the public safety arena are implicated. One can hardly sort out all these pieces in the transactional paragraphs of a contract.

Perhaps the reality is that the personalities and the drive that those persons intimately involved with the job saving peoples' lives inevitably leads to conflict. What is the best way to resolve those conflicts?³⁴ Would better oversight, mediation or arbitration have served better than "retreat" into a contractual framework?³⁵ Mediation was offered to the Town but was not pursued.³⁶

Staffing, adequate, sufficient or contingent

The justification for the municipal fire / EMS model has been articulated for some time. The following summary is from a 2017 article posted on the International Association of Fire Chiefs' website:

Fire-based EMS systems afford for employees to be cross-trained (working in both fire and EMS positions), operate out of existing fire stations and provide a revenue stream for their governing body/agency.

That article however concludes by saying:

The majority of agencies across the United States are fire-based EMS systems, though this doesn't mean this is necessarily the best system for your community. As leaders in the world of emergency services, we must take the time to use our data, along with available funds, area served and expected performance levels, to ensure we're providing

³³ [Investigation file](#)

³⁴ [Putney Fire Chief Tom Goddard](#) speaking at a Rescue Open House, August 26, 2023

³⁵ [Vermontitude: A Path Back?](#), November 21, 2022, see *passim* and especially at about 14:20

³⁶ [Brattleboro Selectboard Meeting](#), BCTV recording, September 7, 2023, at 4:19:37 (earlier parts of this meeting are also relevant to the Town's decision making process which included relevant matters which could not be revealed, as well as presentations by two other Vermont Fire Chiefs concerning their experience.)

the best level of care possible to our communities. ³⁷

It has not been resolved whether the skill sets of firefighters and especially the advanced EMS workers converge or are sometimes at odds. Soft information from sources seem to indicate that firefighters dread ambulance assignments ³⁸ The departure of at least 16 firefighters from a 24 member department is concerning. ³⁹ An attempt to seek clarification via review of redacted exit interviews was denied. ⁴⁰

Cross-training may or may not be the solution it was initially thought to be. The president of the NH State Firemen's Association commenting on fire department staffing shortages, was recently quoted as saying; "A lot of the fire departments have gone to fire and EMS-based, which has put a big strain on departments." ⁴¹

Brattleboro Fire recently posted an ad seeking "Single role paramedics as well as dual role firefighters." ⁴² In response to a question about how that ad squares with concept of cross training, the Fire Chief explained at a Selectboard meeting:

what we've talked about and the union came to us as well as is potentially of the three to six new positions that we are going to hire we're keeping that possibility of a one-time thing of hiring three of them just being sole paramedics to help us get our paramedic Force up in numbers ... it's just a one time thing to help us get going obviously once we get going the goal and the budget is to send one of our people annually to a paramedic school to become a paramedic and I'm happy to say that one of our folks started paramedic class last week so .. and next year we'll hopefully I'll have somebody else come to me and say I want to go to paramedical school and we'll send that person off to paramedical school but that's the the main goal is and the agreement between the town and the union was to one time allow up to three uh single provider paramedics to work on staff ⁴³

Is this last minute change in staffing further evidence to paraphrase what one Town Meeting Member expressed in March 2023: "It came across as 'ready, shoot, aim,' . . . A big decision got made for [small "p" political reasons] and then we began studying options [or ways to make the decision seem rational]"?

³⁷ [Company Officer Leadership: Fire-Based EMS Systems](#), May 4, 2017

³⁸ An [anonymous letter received September 13, 2023](#) says as much.

³⁹ [Brattleboro faces blaze of firefighter departures amid town EMS takeover debate](#), *VT Digger*, July 24, 2023

⁴⁰ [Exit Interviews - email](#), September 12, 2023

⁴¹ [New Hampshire fire departments change hiring strategies to attract more applicants](#), *WMUR.com*, October 10, 2023

⁴² October 13, 2023 [Facebook Post](#)

⁴³ [Brattleboro SelectBoard Meeting, October 17, 2023](#), *BCTV recording*, at about 1:20:00

Conclusion

Much more could be said. ⁴⁴ Clearly, I have taken a position as this decision process was unfolding, so the hope is that the readers, with an objective lens, would look through the documentation provided and arrive at their own conclusions, which I would look forward to reading.

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⁴⁴ In lieu of a bibliography, one might refer to this file: [Media Coverage, etc.](#)